



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, APRIL 25, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY SECONDED BY LIVENGOOD TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF APRIL 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS

B-1. PROJECT REVIEW PROCESS – Commissioner Ray

Ray stated that the intent of the Commission is to improve the current process by making it more streamlined and easier for the public to use. He advised the changes would be minor.

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS) - NONE

D. PLANNING COMMISSION COMMITTEE REPORTS:

Scandura reported that the Quarterly School District meeting would be held on May 26, 2006.

Burnett advised that the Environmental Board had a very informative tour of the Orange County Sanitation District Facility.

Livengood reported that the special Design Review Board meeting scheduled for April 27, 2006, has been cancelled and re-scheduled.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE

F. PLANNING COMMISSION COMMENTS - NONE

6:20 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Chair Dingwall

ROLL CALL: *P* *P* *P* *P* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE PLANNING COMMISSION AGENDA OF APRIL 25, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES: None
ABSENT: None
ABSTAIN: None

MOTION APPROVED

A. ORAL COMMUNICATIONS

Steve Stafford, resident, provided comments regarding the on-going problems at Crystal Island.

Bob Clayton, resident, voiced his concerns regarding the future development of 19422 Beach Blvd.

Chair Dingwall announced that he felt a milestone had been reached with the Planning Commission meetings due to changes in the speakers allocation of time at commission meetings; the receipt of commission packets seven days prior to the meeting; and the advanced posting of the agenda and items on the Huntington Beach website. He thanked the City Council, City Administration, the Planning Director and staff, and the other Planning Commissioners for their hard work and support.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10 (CONTINUED FROM JANUARY 24, 2006 - MAIN STREET LOFTS @ 438 Main St.): Applicant: Jeff Bergsma **Request:** CDP/CUP: To permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot. **Location:** 438 Main St. (east side of Main St./south of Pecan Ave.). **Project Planner:** Paul Da Veiga

STAFF RECOMMENDATION: Motion to: "Approve Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 with suggested findings and conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer drove by the site.
- Commissioner Scandura visited the site and spoke with staff.
- Chair Dingwall stated he has visited the site.
- Commissioner Horgan drove by the site and spoke with staff.
- Commissioner Ray visited the subject site.
- Commissioner Livengood visited the site twice.
- Commissioner Burnett recused herself.

Paul DaVeiga, Associate Planner, gave a Powerpoint presentation and an overview of the proposed project. He stated that the revised project included the construction of three condominium units and the potential payment of a future affordable housing in-lieu fee instead of providing a unit onsite.

THE PUBLIC HEARING WAS OPENED

Jeff Bergsma, applicant, gave an overview of the project and explained why the special permit was necessary. He also explained that the third floor deck and screening would alleviate sound issues and preserve the privacy of nearby neighbors

Gil Aouizerat, owner, made himself available for questions.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued regarding conditions of approval, parking spaces, design standards, in-lieu fees, open space and parcel map approval.

Scandura voiced concern regarding the proposed third floor deck becoming a party area and disturbing residents. He proposed removing the open space.

Bergsma advised that he could move the deck back to 39 feet and place a six-foot screening wall on the side facing nearby neighbors.

Livengood suggested approving the item with the following revisions: A minimum setback of 30 feet and a six-foot screen wall on the eastside of the rooftop deck to be approved by the Director of Planning; future subdivision changes would be brought to the Planning Commission for approval; income definition would be changed from moderate to median; resident/visitor parking signs to be displayed; individual water meters for each condo unit with no sub-metering or allocation; and open parking be designated for motor vehicles only.

AN AMENDMENT MOTION WAS MADE BY HORGAN, SECONDED BY DINGWALL TO REMOVE THE THIRD FLOOR DECK. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Livengood, Dwyer, Ray
NOES:	Horgan, Dingwall, Scandura
ABSENT:	None
ABSTAIN:	Burnett

MOTION FAILED

Livengood restated his motion for approval of the item.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER TO APPROVE COASTAL DEVELOPMENT PERMIT NO. 05-13/CONDITIONAL USE PERMIT NO. 05-10/SPECIAL PERMIT NO. 05-02 WITH FINDINGS AND MODIFIED CONDITIONS OF APPROVAL, BY THE FOLLOWING VOTE:

AYES:	Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	Burnett

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL

**COASTAL DEVELOPMENT PERMIT NO. 05-13/ CONDITIONAL USE PERMIT NO. 05-10/
SPECIAL PERMIT NO. 05-02**

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines – *In-Fill Development Projects*, which states that development of an infill lot less than five (5) acres in size and consistent with the General Plan and zoning ordinance are exempt from further environmental review. The site can be adequately served by all required utilities and public services and will not have significant impacts to traffic, noise, air quality or water quality. In addition, the site does not have value as habitat for endangered or threatened species.

FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13:

1. Coastal Development Permit No. 05-13 for the development project as proposed, conforms with the General Plan, including the Local Coastal Program Land Use Designation of MV-F6/25-sp-pd (Mixed Use Vertical – 2.0 max. FAR/ 25 units/acre – Specific Plan – Pedestrian Overlay) and the following Coastal Element policies:

Policy C 1.1.1: New development shall be encouraged within, contiguous or in close proximity to, existing developed areas able to accommodate it.

Policy C 1.1.5: Provide neighborhood commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed residential units are located contiguous to existing commercial development on the same property in a highly urban neighborhood consisting of mixed-use development. Development of residential units on the property will minimize the need for use of coastal access roads based on the proximity of the development to neighborhood serving commercial uses.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code, with the exception of the special permit request. The project complies with applicable maximum floor area ratio and building height requirements, and the applicable parking requirements.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed in an urbanized area with direct access from an existing public street and with all necessary services and infrastructure available including water, sewer and electricity.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources. In addition, the project is subject to payment of required park fees; to be used for acquiring and maintaining public parkland for recreational use.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 05-10:

1. Conditional Use Permit No. 05-10 to permit construction of three residential units (lofts) totaling 3,178 square feet as an addition to an existing two-story, 4,220 square foot retail/office building on a 5,650 sq. ft. lot pursuant to Section 4.7.01(b) – *Permitted Uses* of the Downtown Specific Plan, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed project provides required on-site parking, and will not generate significant traffic volumes, noise, odors or other adverse impacts. In addition, the project achieves the objectives of the General Plan and Downtown Specific Plan by providing mixed-use development in accordance with the provisions of the DTSP– District 6 (Mixed-Use – Commercial/Office/Residential) standards and guidelines. The development that will help to support the residential and commercial land uses existing in the surrounding neighborhood.
2. The conditional use permit for the proposed mixed-use project building will be compatible with surrounding uses because the project is proposed in a Specific Plan area designated for mixed-use pedestrian-oriented development. The project consists of three residential units in conjunction with an existing two-story retail/office building. In addition, the proposed building height, massing, architecture, colors, materials and orientation are consistent with the City's Urban Design Guidelines for Downtown development and the character of the existing neighborhood.
3. The proposed two-story development will comply with the provisions of the Downtown Specific Plan – District 5 and applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M-F11/25-sp-pd (Mixed Use – 2.0 maximum floor area ratio/ 25 units per acre – specific plan – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Objective LU 11.1.1: Provide for the development of structures that integrate housing with commercial uses, and ensure the compatibility of these uses.

Policy LU 11.1.1: Accommodate the development of structures and sites that integrate housing units with retail and office commercial uses in areas designated "mixed use" on the Land Use Plan Map.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of the visual and physical integration among the commercial and residential uses.

The project is consistent with the goals and objective in the General Plan which promotes integration of housing with retail and office uses. The proposal will introduce three new housing units to the property and area in general, which is encouraged under the mixed-use provisions identified in the General Plan. The project has also been designed to achieve compatibility with existing on-site and surrounding commercial, mixed-use, and residential structures.

The subject property is located within Community Sub area 1D (Main Street, North of Orange) and complies with the standards for the sub area including a maximum building height of three (3) stories. The project also complies with the Urban Design Guidelines by providing a consistent architectural theme with the existing commercial building.

Housing Element

Policy HE1.1.10: Conserve affordable housing opportunities in the Coastal Zone through implementation of low and moderate-income housing, and for inclusion of affordable units where feasible in new residential construction.

Staff is recommending a condition of approval that requires one affordable for-sale unit to be located on-site. One of the three units is required to remain affordable to persons at a median-income level for a period of 60 years, in compliance with the City's affordable housing ordinance and policies. The recommendation for the on-site for-sale unit requirement is based on the location of the project within the downtown and the scarcity of affordable housing stock within the coastal zone. As an option to meeting the affordability requirement, the condition permits payment of an affordable housing fee in-lieu of providing one for-sale affordable housing unit on-site.

Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

The proposed project reinforces Downtown as a pedestrian-oriented district by providing a mixed-use development that incorporates new residential units in close proximity ("walking distance") to commercial areas as well as to existing residential land uses. The project also incorporates design characteristics consistent with the existing building on the property and surrounding development, such as similar scale and mass and use of quality design materials.

FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 05-02:

1. The granting of Special Permit No. 05-02 (pursuant to Section 4.1.02 of the DTSP) in conjunction Coastal Development Permit No. 05-13/ Conditional Use Permit No. 05-10 is requested for the following:

- ❑ Permit a two-foot seven-inch front yard setback (build-to line) for the existing retail/office building in lieu of the required five feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)
- ❑ Permit 500 square feet of common open space in lieu of the required 795 square feet pursuant to Section 4.1.02 – *Special Permit*, of the Downtown Specific Plan (DTSP)

This Special Permit will promote a better living environment by facilitating residential development in conjunction with commercial which will further the goals and objectives for mixed-use in District No. 6 of the DTSP. As conditioned, the development will provide larger private open space areas that create a better living environment for residents, while also providing a common open space rooftop deck for use by the residents.

2. The granting of Special Permit No. 05-02 will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design. The Special Permit will allow continued use of a recently upgraded commercial structure, while incorporating a residential component that is architecturally consistent with the existing building and surrounding neighborhood. The horizontal design and separation are consistent with the existing commercial building on the site and adjacent commercial building to the south. The design features include decorative tile, stucco, and a cornice to match the existing building. The design also features direct access to designated parking from the rear alley. In addition, the separation between the existing commercial and proposed residential units creates a buffer that will protect future residents of the complex from impacts related to commercial activities.
3. The granting of Special Permit No. 05-02 will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The building currently exists with a two-foot seven-inch front yard setback and will not impact views to coastal resources. The shift in common to private open space, as conditioned, will allow for larger private open space areas that will provide larger, more usable private decks for use by future residents. The decks are directed away from adjacent single-family residential properties. The project has been evaluated for compatibility with the surrounding neighborhood, which includes buildings of comparable and greater heights.
4. The granting of Special Permit No. 05-02 will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The Downtown Specific Plan provides for all projects to be in conformance with the adopted Design Guidelines for the area.
5. The granting of Special Permit No. 05-01 will be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act, and complies with State and Federal Law. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Coastal Development Permit Findings. The proposed project would develop a mix of commercial and residential uses in an established, urban, downtown area. Public services are currently available to the project site. Views of the beach/ocean will not be obstructed by the proposed project.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 05-13/
CONDITIONAL USE PERMIT NO. 05-10/ SPECIAL PERMIT NO. 05-02:**

1. The site plan, floor plans, and elevations received and dated November 2, 2005, shall be the conceptually approved design, with the following modifications:
 - a. The development shall provide 500 square feet of common open space within a rooftop deck. A minimum setback of thirty feet shall be maintained from the rear exterior face of the building to the rooftop deck area. A six-foot high screen wall shall be provided along the easterly boundary of the rooftop deck.
 - b. Each of the three private decks shall be enlarged by 68.5 square feet.
 - c. A minimum drive aisle width of 25 feet shall be provided within the parking garage.
2. Prior to submittal for building permits, the following shall be completed:
 - a. One set of revised project plans, pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
3. Prior to issuance of building permits, the following shall be completed:
 - a. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the building permit. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the one for-sale affordable housing unit. The for-sale unit shall be located on-site.
 - ii. The one on-site unit shall be affordable to median-income households. The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years.

The affordable for-sale unit shall be constructed concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable unit.
 - b. In the event that an affordable housing in-lieu fee is approved by the City Council, the applicant has the option of payment of the established fee in-lieu of providing one for-sale affordable housing unit on-site. The payment shall be received prior to issuance of building permits. The exact in-lieu affordable housing fee and terms of payment will be determined by the City Council.
 - c. A tentative parcel map for condominium purposes shall be approved by the Zoning Administrator and the final map recorded with the Orange County Recorder's Office.
 - d. Any future request to subdivide the individual units within the existing commercial building shall be subject to the review and approval of the Planning Commission.

4. Prior to final building permit inspection, signs shall be placed at the head of each parking stall designating the spaces for use only by residents of the development and/or resident's guests, and for motor vehicle parking only.
5. A separate water meter shall be provided for each residential unit; no sub metering and no allocation shall be permitted.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

- B-2. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 03-35 (TARGET – TRUCK DELIVERY HOURS @ 9882 ADAMS):** **Applicant:** City of Huntington Beach **Request:** A six month review of Conditional Use Permit No. 03-35 as required under Entitlement Plan Amendment No. 05-01, approved by the Planning Commission on September 27, 2005. The review is to provide an update of compliance with the approved conditions of approval regarding loading and delivery operations for the Target Department Store. **Location:** 9882 Adams Avenue (southwest corner of Brookhurst St. and Adams Ave.). **Project Planner:** Paul Da Veiga

STAFF RECOMMENDATION: Motion to: "Receive and file as adequate the six-month review of Conditional Use Permit No. 03-35 with suggested amended conditions of approval."

The Commission made the following disclosures:

- Commissioner Dwyer visited the site.
- Commissioner Scandura visited the loading dock recently as well as in the past.
- Chair Dingwall visited the site and spoke with staff.
- Commissioner Horgan visited the site/loading dock area several times.
- Commissioner Ray visited the subject site, observed the loading dock and drivers.
- Commissioner Livengood visited the site several times.
- Commissioner Burnett visited the site several times.

Paul DaVeiga, Associate Planner, gave a Powerpoint presentation and staff report of the six-month review.

Discussion ensued between the Commissioners, staff and Code Enforcement concerning complaints of truck idling, fumes and late deliveries received over the past six months.

Tim Flanagan, Code Enforcement Technician, answered questions regarding complaints received and a citation issued. Flanagan advised that the citation was due to non-compliance regarding outside storage. He stated that seven citizen complaints were received for prolonged truck idling.

THE PUBLIC HEARING WAS OPENED

Francis Arciaga, Jr., resident, complained of fumes, excessive truck idling and illegal Sunday deliveries. He suggested signs be installed advising truck drivers to turn off their engines while delivering goods. Mr. Arciaga stated he represented some of his neighbors and their complaints included bright lights at the rear of the store which shined through their windows at night and water seepage from store planters into their rear yards.

Chris Long, representing Target, handed out pictures of signs that had recently been posted which direct truck drivers to turn off their engines while making deliveries to the store. He stated that there are no deliveries to the store on Sundays. He referenced the citation that Flanagan issued and stated that the situation has been addressed.

Dwyer suggested installing shields to the outdoor lighting fixtures.

Kareem Ali, representing Target, stated that internal shields were placed on lighting initially and the lights are programmed to shut off during late night hours.

Chair Dingwall asked for Code Enforcement to inspect the lighting during night hours.

Flanagan stated that no complaints have been received regarding lighting.

Jane James, Senior Planner, interjected that Code Enforcement will inspect the lighting during night hours.

Randy Yee, store manager, advised he had received only one citizen complaint and addressed it personally with the complainant.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Chair Dingwall made a recommendation to the Commission that the review not be accepted as adequate and another six month review by the Planning Commission be scheduled.

Commissioner Scandura stated that the review is adequate, however, he recommended another review in one year.

Commissioner Dwyer thanked the Target staff for their proactive measures regarding directive sign posting for the truck delivery drivers and stated that he is opposed to any review prior to two years in the future.

Commissioner Ray applauded Target's efforts to mitigate complaints from residents and recommended a one-year review. He also stated that contact information for the store should be included on the signs posted for deliveries.

Commissioner Horgan advised that the review is adequate and does not support any future review.

Chair Dingwall questioned staff regarding gate access for the Fire Department and why the gates must remain unlocked during the day. Da Veiga advised there is adequate access for the Fire Department and the original CUP directed that the gates remain open during business hours to provide for access.

Discussion ensued regarding the placement of the rear gate and the location in which employees park. A recommendation of moving the gate to another location and utilizing rear parking for the employees was raised by Commissioner Ray.

Burnett suggested a sign be posted at the southeast corner of the building prohibiting truck entry in lieu of moving the gate.

Commissioner Horgan stated that mandatory parking by employees to the rear of the store would create more noise and possibly disturb the neighbors. She recommended that the gate should remain where it is. Staff pointed out that the issue at hand is reviewing delivery hours and operations.

A MOTION WAS MADE BY RAY, SECONDED BY LIVENGGOOD TO RECEIVE AND FILE AS ADEQUATE THE SIX MONTH REVIEW WITH AMENDED CONDITIONS OF APPROVAL; WITH ANOTHER REVIEW SCHEDULED NO LATER THAN ONE YEAR, BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	Dingwall
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 03-35 (AMENDED 4/25/06):

1. The site plan, floor plans and elevations received and dated March 18, 2004 shall be the conceptually approved layout with the following modifications:
 - a. The loading dock enclosure shall be constructed with sound absorbing material designed to minimize noise impacts associated with loading and unloading activities. Truck loading and maneuvering shall be designed to provide the greatest separation possible from the adjacent residential properties. The architecture colors and materials of the enclosure shall be consistent with the overall building architecture.
 - b. The architecture colors and materials of the garden center shall be consistent with the overall building architecture.
 - c. The design, colors, and materials for the subject building shall be reviewed by the Design Review Board (DRB) following approval by the Planning Commission.
 - 1) Elevations shall be revised to incorporate multiple roof planes and/or a variety of roof slopes to reduce the overall mass and bulk of the building and comply with the Urban Design Guidelines.

- 2) The overall architectural theme shall reflect a contemporary architectural design consistent with the design concept identified on elevation dated April 14, 2004. Several massing elements, in various volumes, shall be incorporated into the design. Varied use of earth tone colors and quality exterior materials such as stone veneer, split-face block, or other similar material shall be incorporated to accent prominent portions of the building façades.
- 3) The design of the garden center shall incorporate an enhanced entry design which shall have the appearance of a secondary storefront. The design of the garden center shall include similar architectural design as the overall building.
- 4) A public art element shall be integrated and be in a location that is visible to the public within the project site. Public art shall incorporate the following:
 - i) Artistic excellence and innovation
 - ii) Appropriate to the design of the project
 - iii) Indicative of the community's cultural identity (ecology, history, society)

The Design Review Board's recommended public art element shall be reviewed and approved by the Planning Director, prior to issuance of a building permit for the project. The public art shall be in place at the subject site prior to final building inspection.

- d. The cart corrals shall be constructed with a durable material such as concrete block. The design of the cart corrals shall be consistent with Sheet 6 of the conceptual plans dated March 18, 2004. The colors and materials used on the cart corrals shall be consistent with the subject building.
- e. All non-conforming signs shall be eliminated from the subject site, including the one pylon sign along the Adams Avenue frontage and a second pylon sign along the Brookhurst Street frontage. A planned sign program for all signage on the subject property and outlying commercial pads shall be submitted to the Planning Department. Said program shall be approved prior to the first sign permit request.
- f. Prior to submittal for building permits. The applicant shall submit a copy of the revised site plan, floor plans and elevations pursuant to Condition No. 1 for review and approval, and inclusion in the entitlement file to the Planning Department and submit 8.5 inch by 10 inch colored elevations, materials board, and renderings to the Planning Department for inclusion in the entitlement file.
- g. All parking that is proposed behind the store, within the access gates, shall be designated as employee-only parking.
- h. A minimum of two speed bumps shall be provided behind the building, subject to review and approval by the Fire Department.
- i. All perimeter trees located directly adjacent to residential properties shall be of a species that is non-deciduous and results in minimal impacts in maintenance and upkeep to adjacent properties.

2. Prior to issuance of a grading permit, the following shall be completed:

- a. The site plan received and dated April 14, 2003 shall be the approved layout except for the following: **(PW)**
 - 1) The driveway on the south side of the property along Brookhurst Street shall be widened to a minimum of 36-feet in width, to allow for two egress lanes.
 - 2) A minimum 10-foot sight triangle must be provided at all points on the site, including the building corners. Areas of concern include the northwest corner (at the loading dock) and northeast corner of the building. The sidewalk must also be extended a minimum of four feet west of the building corner.
 - 3) A truck-tracking exhibit, utilizing a WB-50 design vehicle, must be provided to demonstrate that delivery trucks can be accommodated. This truck tracking exhibit must illustrate a truck entering the site, accessing the loading docks and egressing the site. It must be demonstrated that the truck movements will not encroach into opposite directions of roadway traffic nor impact the parking spaces shown.
 - 4) A traffic signal shall be constructed at the main driveway entrance on Adams Avenue. This traffic signal shall include the installation of interconnect conduit and cable to the traffic signal controller cabinet at the intersection of Brookhurst Street and Adams Avenue. A traffic signal and maintenance easement shall be provided in the driveway area. The appropriate curb ramp and signing & striping modifications shall be made to accommodate the traffic signal installation.
(PW/MM)
 - 5) The applicant shall provide the legal description(s), plat(s), and supporting documents necessary for the City to quitclaim any abandoned portions of the existing water line easement dedicated to the City of Huntington Beach. **(PW)**

3. Prior to issuance of building permits, the following shall be completed:

- a. An "Acceptance of Conditions" form shall be properly executed by the applicant and an authorized representative of the owner of the property, recorded with the County Recorder's Office, and returned to the Planning Department for inclusion in the entitlement file. Conditions of approval shall remain in effect in the recorded form in perpetuity, except as modified or rescinded pursuant to the expressed written approval of the City of Huntington Beach.
 - b. The public art element shall be approved by the reviewed by the Design Review Board and approved by the Planning Director.
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for commencement of use and issuance of a Certificate of Occupancy until compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.

5. The use shall comply with the following:

- a. Target product delivery and trash pickup shall be permitted between the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday and 12:00 p.m. to 6:00 p.m. on Saturday. No deliveries shall occur on Sunday. Delivery hours for vendor trucks shall be permitted

between the hours of 8:00 a.m. and 12 p.m. Monday through Friday. All delivery vehicles, including Target product delivery trucks and outside vendors trucks that cannot be accommodated with a typical 9 foot wide by 19 foot deep parking stall shall utilize the enclosed delivery bays for all loading and unloading activities. All other delivery vehicles that are no larger than a typical parking stall size may utilize the parking lot and access the store through the main entrance. Deliveries of any kind shall be prohibited behind the subject building, other than the designated loading and unloading bays.

- b. Delivery trucks shall not leave engines idling while delivering merchandise to the Target store. Trucks shall turn-off engines once they reach the loading dock. **(MM)**
- c. There shall be no loudspeakers or other amplified devices within the garden center, at any time. **(MM)**
- d. Rubber noise seals shall be provided around the opening to the building at the location of the loading dock. **(MM)**
- e. The trash compactor shall not be operated before 8:00 AM and after 7:00 PM. **(MM)**
- f. All doors along the southerly and westerly facades of the building shall remain closed at all times. **(MM)**
- g. The hours of operation for the Target store shall be from 7 a.m. to 12 a.m. The access gates to the rear of the building shall remain closed from 10:00 p.m. to 7:00 a.m.
- h. Parking lot lights shall be automatically dimmed to minimal security level lighting one hour after closing.
- i. The Target Department Store shall be designated as a single user with a maximum of 10 percent of the gross building floor area devoted to an ancillary retail/restaurant tenant.
- j. Any re-use of the site or request for future demising walls to allow for a new use within the subject building shall require approval of a conditional use permit by the Planning Commission.
- k. All outdoor display of seasonal, holiday, special events, and temporary outdoor sales events within the parking lot, on sidewalks, or any other portion of the project site shall be subject to the Huntington Beach Zoning and Subdivision Ordinance Code. At no time shall a Temporary Use Permit be granted for the area between the subject building and the southerly or westerly property lines.
- l. There shall be no outside storage of storage containers or bins, vehicles, vehicle parts, equipment, or trailers. There shall be no outside storage of palettes or other product at any time without the required permits.
- m. There shall be no loitering by patrons or employees within the parking areas located at the rear of the subject building. Signs shall be posted to indicate that no loitering in all parking areas located behind the subject building. Store managers shall be responsible for regulating all activity occurring at the rear of the subject building at all times.

- n. A store liaison shall be permanently established and available to assist neighbors and residents with issues regarding the site during construction and after completion of the project when the development is open for business. A sign identifying the store contact and telephone number shall be permanently posted on-site.
 - o. All Mitigation Measures of Mitigated Negative Declaration No. 03-02 shall be adhered to.
6. A review of the hours of deliveries and all loading and unloading activities shall be conducted by the Planning Commission within one year following the date of the prior six-month review. The review shall include a public hearing with notification to all property owners and tenants within a 500-foot radius of the subject site. The review of the hours of delivery and loading and unloading activities will involve Planning, Code Enforcement, Police, and neighbor complaints in order to determine compliance with the conditions of approval, mitigation measures, and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance and Municipal Code pertaining to noise and truck deliveries. Any violations of the mitigation measures, conditions of approval, or applicable chapters of the HBZSO and HBMC may require a duly noticed revocation hearing of the Planning Commission. **(AMENDED 4/25/06)**
7. Within 30 days of Planning Commission action on the six-month review, the following signs shall be installed **(AMENDED 4/25/06)**:
- a. A sign(s) prohibiting truck idling, identifying the permitted hours for loading and delivery, and providing a store contact shall be placed in a conspicuous location adjacent to the loading dock. The sign shall be sized appropriately in order that it can be clearly viewed by truck drivers entering the loading dock area. The sign(s), the text, and location shall be submitted to the Planning Department for review and approval prior to installation. **(AMENDED 4/25/06)**
 - b. A sign shall be installed at the southeasterly portion of the building that indicates "No thru traffic" and "No deliveries permitted". The sign shall be placed in a conspicuous location with the text and location subject to the review of the Planning Department prior to installation. **(AMENDED 4/25/06)**
- a. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing if any changes to the site plan, elevations and floor plans are proposed as a result of the plan check process. Building permits shall not be issued until the Planning Director has reviewed and approved the proposed changes for conformance with the intent of the Zoning Administrator's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
 - b. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

- B-3. SIX MONTH REVIEW OF CONDITIONAL USE PERMIT NO. 05-08 (LE PETIT PARIS DANCING @ 10142 ADAMS)** **Applicant:** City of Huntington Beach
Request: A six month review of Conditional Use Permit No. 05-08 approved by the Planning Commission on October 11, 2005. The review is to provide an update of compliance with the approved conditions of approval to permit dancing and a one-space parking reduction for Le Petit Paris, an existing dining/nightclub establishment. **Location:** 10142 Adams Avenue (southeast of the Adams Avenue/Brookhurst Street intersection). **Project Planner:** Ron Santos

STAFF RECOMMENDATION: Motion to: "Direct staff to schedule a public hearing for revocation of Conditional Use Permit No. 05-08."

The Commission made the following disclosures:

- Commissioner Dwyer visited the outside of the site
- Commissioner Scandura visited the site; spoke with staff and the City Attorney's office.
- Chair Dingwall stated he has visited the site and spoken with staff.
- Commissioner Horgan visited the outside of the site.
- Commissioner Ray visited the site.
- Commissioner Livengood visited the site.
- Commissioner Burnett visited the outside of the site.

Ron Santos, Associate Planner, reviewed Conditional Use Permit No. 05-08 and the violations thereof including dance floor delineation, overcrowding and lack of security.

Livengood inquired as to what time of day the Police and Fire Departments inspected the club and if it was closed down due to overcrowding. Fire Marshall Engberg advised it was near closing time so the club was allowed to clear out.

Chair Dingwall pointed out that the issue at hand is the CUP for dancing at the location and cautioned the Commissioners to address this issue.

Chief Small recommended revocation of the CUP due to non-compliance with the conditions of approval set forth in the CUP and entertainment permit.

THE PUBLIC HEARING WAS OPENED

Bill Pham, applicant, spoke about the dance floor delineation which was discussed at the October 11, 2005, Planning Commission meeting. He stated he was not required to re-tile the area, as it would be costly for the business. He also stated that he was unaware of the event held on April 1, 2006, and has since discussed the matter with his manager.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Commissioners and the applicant with regards to knowledge of the event, flyers passed out prior to the event, loud music, security requirements, the lack of a certificate of occupancy and the dance floor delineation.

Ray reminded Pham that the dance floor delineation was to be addressed with staff after the approval of CUP No. 05-08; as to date this has not taken place.

Horgan stated the certificate of occupancy should have been completed during the past six – month period.

Pham stated that the City Building Department did not have the appropriate floor plan on file and therefore could not issue the certificate of occupancy.

Kenneth Small, Police Chief, advised that most of the concerns the Commissioners have regarding loud music, overcrowding and lack of security can be addressed by the revocation of the entertainment permit which the Police Department issued.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY SCANDURA TO DIRECT STAFF TO SCHEDULE A REVOCATION HEARING OF CONDITIONAL USE PERMIT NO. 05-08. ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED FEBRUARY 14, 2006

RECOMMENDED ACTION: Motion to: "Approve the February 14, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY HORGAN, TO APPROVE THE FEBRUARY 14, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	None
ABSTAIN:	None

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS – NONE

E. PLANNING ITEMS

E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING

Jane James, Senior Planner – reported on the items from the previous City Council meeting.

E-2. CITY COUNCIL ITEMS FOR NEXT MEETING

Jane James, Senior Planner – reported on the items scheduled for the next City Council meeting.

E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING

Jane James, Senior Planner – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – None.

Commissioner Livengood - Invited the public to attend the Spring Festival at the Shipley Nature Center on Saturday, April 29, 2006, from 9:00 a.m. to 2:00 p.m.

Vice-Chairperson Scandura – None.

Chairperson Dingwall – None.

Commissioner Ray – Reiterated the invitation to the Shipley Nature Center.

Commissioner Horgan – None.

Commissioner Dwyer – Advised he recently ran the Boston Marathon in less time than the length of tonight's meeting.

ADJOURNMENT:

Adjourned at 11:50 p.m. to the next regularly scheduled meeting of Tuesday, May 23, 2006.
The May 9, 2006 meeting has been canceled.

APPROVED BY:

Scott Hess, Secretary

Robert Dingwall, Chair